BEFORE THE LOK ADALATH
ORGANIZED BY THE KERALA HIGH COURT LEGAL SERVICES COMMITTEE

PRESENT :

THE HONOURABLE MR. JUSTICE M.M.PAREED PILLAY
(RETD.CHIEF JUSTICE, HIGH COURT OF KERALA)
&
THE HONOURABLE MR. JUSTICE M.R.HARIHARAN NAIR
(RETD.JUDGE, HIGH COURT OF KERALA)

FRIDAY, THE 6TH JULY 2007 / 15TH ASHADHA 1929

Mat.Appeal.No. 294 of 2006()

AGAINST THE ORDER DATED 09/08/2005 IN
OP.619/2003 of FAMILY COURT,KOZHIKODE
.....

APPELLANT/PETITIONER:

L.VIMALA, D/O.LAKSHMIBHAI,
CLERK/CASHIER AT SBT, KANNUR ROAD BRANCH,
KOZHIKODE.

BY ADV. SRI.V.V.SURENDRAN
SRI.P.A.HARISH

RESPONDENT/RESPONDENT:

DR.K.X.JOSEPH, S/O.XAVIER,
READER, RESIDING AT UNIVERSITY CENTRE,
THRISSUR.

BY ADV. SRI.MANJERI SUNDERRAJ
SRI.B.PREMNATH (E)

THIS MATRIMONIAL APPEAL HAVING COME UP FOR DETERMINATION AT THE LOK ADALATH ALONG WITH MA NO. 295 OF 2006 AND THE PARTIES HAVING SETTLED THE MATTER, THE FOLLOWING AWARD IS PASSED IN TERMS OF THE SETTLEMENT:

ORDER ON I.A. NO.1905/2006 IN MAT. APPEAL NO.294/2006

CLOSED.

SD/-
M.M.PAREED PILLAY
(RETD. CHIEF JUSTICE)

SD/-
M.R.HARIHARAN NAIR
(RETD. JUDGE)

6-7-2007.

/TRUE COPY/

P.A. TO JUDGE

JP

JUSTICE M.M.PAREED PILLAY (RETD. CHIEF JUSTICE, HIGH COURT OF KERALA) &
JUSTICE M.R.HARIHARAN NAIR (RETD. JUDGE, HIGH COURT OF KERALA)

MAT. APPEAL NOs.294 OF 2006 & 295 of 2006

Dated this the 6th day of July, 2007

AWARD

Appellant, Respondent and their counsel are present. As regards the partition sought for by the wife, it is agreed that the property and the building shall be given to the Appellant absolutely through registration of an appropriate release deed by the Respondent on payment of Rs.8 Lakhs by the appellant to the respondent within a period of 6 months from this date. In case the amount is not paid within the said period the appellant shall be bound to pay interest at 10% per annum on the defaulted amount also with effect from 7.1.2008. The release deed shall be executed within a period of one month from the date on which Rs.8 Lakhs is tendered as above. If there is failure on the part of the respondent to accept the money tendered by the appellant and to execute the release deed, it is open to the appellant to execute this award on deposit of the sum of Rs.8 Lakhs (less any amount already paid on this count) before the execution court and to seek registration of an appropriate conveyance through court.

2. It shall be the responsibility of the respondent to get eviction of his tenant in occupation of the building and to surrender the same to the

Appellant so that the appellant will get absolute possession of the property and the building as and when release deed is executed. Court Fee paid by the appellant will be refunded.

MAT. APPEAL NO.295 of 2006

In view of the settlement in Mat. Appeal No.294/2006, the Mat.Appeal No.295/2006 is not pressed. Court Fee paid by the appellant will be refunded.

Mat. Appeals are disposed of as above.

M.M.PAREED PILLAY
(RETD. CHIEF JUSTICE, HIGH COURT OF KERALA)

M.R.HARIHARAN NAIR
(RETD. JUDGE, HIGH COURT OF KERALA)

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